

**COUNTY OF SAN DIEGO
STATEMENT OF PROCEEDINGS
REGULAR MEETING OF BOARD OF SUPERVISORS
WEDNESDAY, NOVEMBER 10, 1999**

MORNING SESSION:

Meeting was called to order at a.m. 9:10 a.m.

Present: Supervisors Pam Slater, Chairwoman; Dianne Jacob, Vice Chairwoman; Greg Cox; Ron Roberts; and Bill Horn; also Thomas J. Pastuszka, Clerk.

Approval of Statement of Proceedings/Minutes for meetings of October 13, 1999 and October 27, 1999.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board of Supervisors approved the minutes for the meetings of for Meetings October 13, 1999 and October 27, 1999.

AYES: Cox, Jacob, Slater, Horn

ABSENT: Roberts

Board of Supervisors' Agenda Items

1. Noticed Public Hearing:
HCC Investors: Vacation 99-003, Canyon Creek Specific Plan, San Dieguito Community Plan Area
2. Loranda; Appeal of a Planning Commission Decision to Deny a Request for a Waiver of Board Policy I-59, ID 99-001, Valley Center Community Plan Area
3. Proposals for Stormwater Settlement Funds
[The funding source is the LUEG Group Reserves]
(4 VOTES)
4. Negative Declaration for Addition of Phase II Sites to Regional General Permit 53 for Roads and Flood Control Maintenance
[The funding source is State Coastal Conservancy grant funds]
5. Approval of Grant Acceptance for Land Acquisition in the Tijuana River Valley
[The funding source is State Coastal Conservancy grant funds.]
(4 VOTES)

6. Approval of Resolutions Authorizing Submittal of Grant Applications Under the State Environmental Enhancement and Mitigation Program and the Federal Transportation Enhancement Activities Program
[The funding sources are the State Environmental Enhancement and Mitigation program and the Federal Transportation Enhancement Activities program of TEA-21.]
7. Approval of an Agreement Between the County of San Diego and the Back Country Land Trust and Adoption of a Resolution Authorizing Submittal of a Joint Grant Application for Property Acquisition in Wright's Field - Alpine
[The funding source is County General Funds.]
8. Approval of a Joint Community Facilities Agreement for Public Improvements within County of San Diego Specific Plan, SP 95-001, Located in San Dieguito Planning Group Area
9. Administrative Item:
Continued Noticed Public Hearing:
Second Consideration and Adoption of Ordinances
Amend Schedule of Rates and Charges for County of San Diego Airports to Adjust Public Interest (Fire Fighting) Landing Fees at Ramona Airport
10. Closed Session
11. Public Communications

1. **SUBJECT: Noticed Public Hearing:**
HCC Investors: Vacation 99-003, Canyon Creek Specific Plan, San
Dieguito Community Plan Area
(Supv. Dist: 3)

OVERVIEW:

This is a request for a Vacation of portions of an open space easement for recreational purposes associated with the golf course that is part of the Canyon Creek Specific Plan. Reconfiguration of the lots associated with Unit 4 of Tentative Map 4569 (Map No. 13020) requires the Vacation. Replacement open space will be dedicated consistent with Boundary Adjustment B/C 99-003. The Canyon Creek Specific Plan is located in Rancho Santa Fe north of the intersection of Avenida Del Duque and Aliso Canyon Road

FISCAL IMPACT:

Not applicable.

BUSINESS IMPACT STATEMENT:

Not applicable.

RECOMMENDATION:

DEPARTMENT OF PLANNING AND LAND USE:

Following the Public Hearing:

1. Find that the Environmental Impact Report on file in the Department of Planning and Land Use as Log No. 85-08-050 has been completed in compliance with the California Environmental Quality Act and State and County California Environmental Quality Act Guidelines, that the decision-making body has reviewed and considered the information contained therein prior to approving the project, that the Environmental Impact Report reflects the independent judgment and analysis of the Board of Supervisors and that there are no changes in the project or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously certified Environmental Impact Report, or a substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since said Environmental Impact Report was prepared.
2. Certify that the Board has considered the Addendum along with the Environmental Impact Report prior to making the decision on the project.
3. Make the findings required by Section 15091 of the CEQA Guidelines presented in Attachment C.
4. Adopt the Resolution (Attachment B):
 - a. Finding pursuant to Board of Supervisors Policy I-103 that the Vacation will not have a significant effect on the environment;

- b. Finding the requested Vacation is consistent with the San Diego County General Plan;
- c. Finding subject easement is not useful as a nonmotorized transportation facility;
- d. Finding subject easement is unnecessary for present or prospective use as a County street, highway, or public service easement; and
- e. Vacating.

5. Direct the Clerk of the Board to record the Resolution of Vacation.

ACTION:

Noting that replacement of a portion of Attachment C regarding the findings for the Addendum to the EIR were placed in the record and provided to the Board and that under recommendation 3, the 15091 findings are actually included as part of the final EIR, not Attachment C, ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 99-327, RESOLUTION OF VACATION OF STREET, HIGHWAY, OR PUBLIC SERVICE EASEMENT.

AYES: Cox, Jacob, Slater, Horn

ABSENT: Roberts

2. **SUBJECT: Loranda; Appeal of a Planning Commission Decision to Deny a Request for a Waiver of Board Policy I-59, ID 99-001, Valley Center Community Plan Area**
(Supv. Dist: 5)

OVERVIEW:

This is an appeal by the applicant of a Planning Commission decision to deny a request for a waiver of Board of Supervisors' Policy I-59, Large-Scale Project Review. Policy I-59 requires that a Specific Plan be prepared for any project meeting specific criteria. The applicant proposes a conventional residential subdivision. A total of 175 residential lots are proposed over a total of 435 acres. The project is located southwest of the intersection of Cole Grade Road and Cool Valley Road.

FISCAL IMPACT:

Not applicable.

BUSINESS IMPACT STATEMENT:

Not applicable.

RECOMMENDATIONS

PLANNING COMMISSION:

Deny the request for a waiver of Policy I-59, Large Scale Project Review, and require the preparation of a Specific Plan.

RECOMMENDATION:

DEPARTMENT OF PLANNING AND LAND USE:

1. Find that the proposed project is exempt from the California Environmental Quality Act, Section 15061 (b)(3) of the State of California Environmental Quality Act Guidelines.
2. Grant the proposed waiver of Policy I-59, Large Scale Project Review, because all the required findings can be made.

ACTION:

Recommending that the developer perform amplified traffic and open space studies and to make those studies available to the public, ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board of Supervisors took action as recommended by the Department of Planning and Land Use.

AYES: Cox, Jacob, Slater, Roberts, Horn

3. **SUBJECT: Proposals for Stormwater Settlement Funds**
(Supv. Dist: All)

OVERVIEW:

On April 30, 1996, the Natural Resources Defense Council and San Diego BayKeeper filed a Notice of Intent to sue the County of San Diego for alleged non-compliance with provisions of its Municipal and Industrial National Pollutant Discharge and Elimination System Stormwater Permits. On June 15, 1999, the parties entered into the Settlement Agreement Between the County of San Diego, Natural Resources Defense Council and San Diego BayKeeper.

Under the terms of the Settlement Agreement, the County must spend or encumber a total of \$865,000 prior to January 1, 2000; \$65,000 toward Natural Resources Defense Council and BayKeeper attorney and expert fees and \$800,000 toward the completion of specified Supplemental Environmental Projects. To comply with the terms of the Settlement Agreement, the Departments of Environmental Health, Parks and Recreation, and Planning and Land Use are seeking authorization to establish appropriations and enter into agreements, as necessary, to implement the following projects: the acquisition of wetlands or riparian lands; the development of an Otay River Watershed Management Plan; the participation in a Southern California Stormwater Monitoring/Research Cooperative Program; and the development of a GIS Model for evaluating inputs, fates, and effects of stormwater and other contaminants

FISCAL IMPACT:

Funds for this request are not budgeted. The funding source is the LUEG Group Reserves. If approved, this request will result in a total cost of \$800,000 to the County (\$65,000 in attorney's fees has already been paid). This request will require the addition of 0 staff years.

RECOMMENDATION:**CHIEF ADMINISTRATIVE OFFICER:**

1. Transfer appropriations in the amount of \$500,000 from Land Use and Environment Group Management Reserves, Organizational Unit 0651, Account 6401, to the Contributions to the Capital Outlay Fund Organizational Unit 5361, Operating Transfer Account 6310. (4 VOTES)
2. Establish appropriations in the amount of \$500,000 in the Capital Outlay Fund, Organizational Unit 5496 for Capital Project KA9730, based on revenue from an operating transfer from the General Fund, for the acquisition of sensitive riparian habitat and upland buffer in the Tijuana River Valley. (4 VOTES)
3. Transfer appropriations in the amount of \$150,000 from Land Use and Environment Group Management Reserves, Organizational Unit 0651, Account 6401, to the Department of Planning and Land Use, Organizational Unit 5665, Account 2425 for the development of an Otay River Watershed Management Plan. (4 VOTES)
4. Authorize the Chief Administrative Officer to enter into a Memorandum of Agreement in the amount of \$150,000 with the City of San Diego to jointly prepare (with the technical assistance of the U.S. Army Corps of Engineers) a Special Area Management Plan for the Otay Watershed.
5. Transfer appropriations in the amount of \$150,000 from Land Use and Environment Group Management Reserves, Organizational Unit 0651, Account 6401, to the Department of Environmental Health, Organization Unit 6230, Account 2315 for the participation in a Southern California Stormwater Monitoring/Research Cooperative Program; and the development of a stormwater GIS Model. (4 VOTES)
6. Authorize the Director of Environmental Health to enter into a five-year cooperative agreement with the Southern California Coastal Water Research Project to develop a Southern California Stormwater Monitoring and Research Program and to fund other specific monitoring and research projects, for an amount not to exceed \$50,000.
7. In accordance with Board Policy A-87, Competitive Procurement, authorize the Purchasing and Contracting Deputy Director to negotiate with San Diego Supercomputer Center; and subject to determination of fair and reasonable pricing and terms, award a contract for stormwater modeling services for an amount not to exceed \$100,000 for the period of January 1, 2000 through June 30, 2001.
8. Authorize the Director of Environmental Health to execute any amendments, extensions and/or revisions thereof, that do not materially impact or alter the funding level to be

provided by the County for either the Southern California Stormwater Monitoring and Research Program or the SDSC modeling project, and to exercise options to renew the agreements for subsequent years.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Roberts, the Board of Supervisors took action as recommended.

AYES: Cox, Jacob, Slater, Roberts, Horn

4. **SUBJECT: Negative Declaration for Addition of Phase II Sites to Regional General Permit 53 for Roads and Flood Control Maintenance**
(Supv. Dist: All)

OVERVIEW:

On August 11, 1998 (38), the Board adopted a Negative Declaration and a Mitigation Monitoring Program so that the Department of Public Works could obtain a Regional General Permit to facilitate maintenance activities for roads and flood control facilities throughout the unincorporated area of San Diego County. On October 6, 1998, the Department obtained Regional General Permit 53, a five-year blanket permit, from the U.S. Army Corps of Engineers. This permit allows the County to more efficiently and economically provide for needed flood control and road maintenance by eliminating the need to obtain permits on a project-by-project basis. The Negative Declaration and permit initially addressed maintenance activities for 458 public works facilities, called Phase I.

This request is to add 542 additional facilities, called Phase II. This is also a request to adopt the mitigation monitoring program prepared in accordance with the Public Resources Code and authorize the Director of the Department of Public Works to ensure compliance with the program. Because of the addition of the Phase II facilities and modifications to the Mitigation Monitoring Program, further evaluation was required in a Subsequent Negative Declaration. The Subsequent Negative Declaration submitted here for adoption addresses Phase II facilities allowed under Regional General Permit 53. Savings in permit fees and administrative costs for the five-year period for Phase I and Phase II facilities are expected to be \$1.3 to \$2.2 million.

FISCAL IMPACT:

If approved, this request would not result in any additional current year or annual costs. The initial permit process, including land acquisition for mitigation, permit fees and administrative work, cost \$400,000 in 1998-99 and \$10,000 annually. The estimated net savings over the five-year term of Regional General Permit 53 for Phase I and Phase II facilities will be from \$1.3 to \$2.2 million. This action will require no additional staff years.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Find, on the basis of the whole record, that there is no substantial evidence that the project will have a significant effect on the environment. Consider the Subsequent Negative Declaration (Attachment A), pursuant to Section 15162 of the California Environmental Quality Act Guidelines, together with the Negative Declaration dated August 11, 1998 (38) (Attachment B) and the comments received during the public review period, and adopt it, finding that it reflects the independent judgement and analysis of the Board of Supervisors.
2. Adopt the Mitigation Monitoring Program (Attachment C) prepared in accordance with Public Resources Code Section 21081.6
3. Authorize the Director of the Department of Public Works to ensure compliance with the Mitigation Monitoring Program during project implementation

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Horn

ABSENT: Roberts

5. **SUBJECT: Approval of Grant Acceptance for Land Acquisition in the Tijuana River Valley**
(Supv. Dist: 1)

OVERVIEW:

The Fiscal Year 1999-2000 state budget provided \$2,000,000 to the Coastal Conservancy for property acquisition in the Tijuana River Valley. This follows a \$2,000,000 appropriation to the Conservancy in Fiscal Year 1998-1999 for the same purpose using Habitat Conservation Funds.

The recommended action will approve a Resolution authorizing the Department of Parks and Recreation to accept grant funds in the amount of \$2,000,000 for property acquisition in the Tijuana River Valley; and to enter into an agreement with the State Coastal Conservancy to accomplish the specified uses of the subject funds

FISCAL IMPACT:

Funds for this request are not budgeted. The funding source is State Coastal Conservancy grant funds. If approved, this request will result in \$2,000,000 current year cost, \$0 annual cost, and will require the addition of no staff years. There will be no additional cost to the General Fund resulting from this action.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Find that the Tijuana River Valley Regional Park Acquisition project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15325 of the CEQA Guidelines because it pertains to the transfer of ownership interests in land in order to preserve open space and habitat.
2. Adopt the Resolution of the San Diego County Board of Supervisors Authorizing the Department of Parks and Recreation to Accept \$2,000,000 of Grant Funds and Enter into a Grant Agreement with the State of California Coastal Conservancy for Property Acquisition in the Tijuana River Valley Under the Coastal Conservancy Resource Enhancement Program.
3. Approve and authorize the establishment of appropriations in the amount of \$2,000,000 in Capital Project KA9730, Tijuana River Valley Acquisition, contingent upon award of the subject grant funds. (4 VOTES)

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 99-328, RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION TO ACCEPT \$2,000,000 OF GRANT FUNDS AND ENTER INTO A GRANT AGREEMENT WITH THE STATE OF CALIFORNIA COASTAL CONSERVANCY FOR PROPERTY ACQUISITION IN THE TIJUANA RIVER VALLEY UNDER THE COASTAL CONSERVANCY RESOURCE ENHANCEMENT PROGRAM.

AYES: Cox, Jacob, Slater, Horn

ABSENT: Roberts

6. **SUBJECT: Approval of Resolutions Authorizing Submittal of Grant Applications Under the State Environmental Enhancement and Mitigation Program and the Federal Transportation Enhancement Activities Program**
(Supv. Dist: 2,3)

OVERVIEW:

Environmental Enhancement and Mitigation Program:

The Environmental Enhancement and Mitigation Program (EEMP) provides competitive grants to local, state and federal agencies and non-profit entities to mitigate the environmental impact of modified or new public transportation facilities. Projects must be directly or indirectly related to the environmental impact of modifying an existing or a new transportation facility. The recommended action will authorize submittal of a grant application for EEMP funds to acquire property in the San Dieguito River/Lusardi Creek area. The related transportation project, which was done by the California Department of Transportation (Caltrans), is the completed phase of three segments of construction of a four-lane expressway; this segment parallels and replaced that portion of Highway 76 (also known as Mission Road) and specifically impacts sensitive habitat such as Coastal sage scrub and riparian woodlands. Although some of the impacts have been mitigated by Caltrans, permanent impacts are unavoidable, thus making additional mitigation desirable.

Transportation Enhancement Activities Program:

Federal funds for transportation projects are available under the Transportation Enhancement Activities program of the Transportation Equity Act for the 21st Century (TEA-21). California is expected to receive about \$410 million for the Enhancement program through Fiscal Year 2004. Seventy-five percent (75%) of California's share (\$308 million) is allocated by regional agencies and 25% (\$102 million) by state agencies. San Diego Association of Government's (SANDAG) share of the regional allocation is \$22.6 million through Fiscal Year 2004.

Approval of this action will authorize the submittal of grant applications under this program for two projects: 1) Santa Ysabel Ranch Acquisition, and 2) Escondido Creek Acquisition. The Santa Ysabel Ranch Acquisition proposal will be submitted for statewide competition under the state's share while the Escondido Creek Acquisition will be proposed under SANDAG's share of the regional allocation, in competition with the other jurisdictions in this region.

FISCAL IMPACT:

Funds for this request are not budgeted. The funding sources are the State Environmental Enhancement and Mitigation program and the Federal Transportation Enhancement Activities program of TEA-21. If approved, this request will result in \$0 current year cost, \$0 annual cost, and will require the addition of no staff years. If awarded, the projects will be brought back to the Board for appropriation of awarded grant funds and related matching funds. There will be no additional cost to the General Fund resulting from this action.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Find in accordance with Section 15325 of the California Environmental Quality Act (CEQA) Guidelines that these projects are categorically exempt from CEQA as they pertain to the transfer of ownership interests in land in order to preserve open space and habitat.
2. Adopt the Resolution of the San Diego County Board of Supervisors Approving the Application for Grant Funds from the Environmental Enhancement and Mitigation Program Under Section 164.56 of the Streets and Highways Code for San Dieguito River/Lusardi Creek Property Acquisition; and appointing the Director of the Department of Parks and Recreation as agent of the County of San Diego to conduct all negotiations, execute and submit all documents which may be necessary for the completion of the aforementioned proposal.
3. Adopt the Resolution of the San Diego County Board of Supervisors Approving the Application for Funding from the Caltrans Share of the Transportation Enhancement Activities Program Under the Transportation Efficiency Act of 1991 (TEA-21) for Santa Ysabel Ranch Acquisition; and appointing the Director of the Department of Parks and Recreation as agent of the County of San Diego to conduct all negotiations, execute and submit all documents which may be necessary for the completion of the aforementioned proposal.
3. Adopt the Resolution of the San Diego County Board of Supervisors Approving the Application for Funding from the Regional Share of the Transportation Enhancement Activities Program Under the Transportation Efficiency Act of 1991 (TEA-21) for Escondido Creek Acquisition; and appointing the Director of the Department of Parks and Recreation as agent of the County of San Diego to conduct all negotiations, execute and submit all documents which may be necessary for the completion of the aforementioned proposal

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors took action as recommended, on Consent, approving the following Resolutions,

99-329 RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF
SUPERVISORS APPROVING THE APPLICATION FOR GRANT FUNDS
FROM THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION
PROGRAM UNDER SECTION 164.56 OF THE STREETS AND
HIGHWAYS CODE FOR SAN DIEGUITO RIVER/USARDI CREEK
PROPERTY ACQUISITION

99-330 RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF
SUPERVISORS APPROVING THE APPLICATION FOR FUNDING
FROM THE CALTRANS SHARE OF THE TRANSPORTATION
ENHANCEMENT ACTIVITIES PROGRAM UNDER THE
TRANSPORTATION EFFICIENCY ACT OF 1991 (TEA-21) FOR SANTA
YSABEL RANCH ACQUISITION

99-331 RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF
SUPERVISORS APPROVING THE APPLICATION FOR FUNDING
FROM THE REGIONAL SHARE OF THE TRANSPORTATION
ENHANCEMENT ACTIVITIES PROGRAM UNDER THE
TRANSPORTATION EFFICIENCY ACT OF 1991 (TEA-21) FOR
ESCONDIDO CREEK ACQUISITION

AYES: Cox, Jacob, Slater, Horn
ABSENT: Roberts

7. **SUBJECT:** **Approval of an Agreement Between the County of San Diego and the
Back Country Land Trust and Adoption of a Resolution Authorizing
Submittal of a Joint Grant Application for Property Acquisition in
Wright's Field - Alpine
(Supv. Dist: 2)**

OVERVIEW:

Vice Chairwoman Dianne Jacob Board letter adopted October 27, 1999(1).

On October 27, 1999(1), at the request of Vice Chairwoman Dianne Jacob, the Board of Supervisors directed the Chief Administrative Officer to work with the Back Country Land Trust (Trust) to identify funding to supplement existing Environmental Enhancement and Mitigation Program (EEMP) grant funds for the acquisition of land in the Wright's Field area of Alpine, within the pre-approved area of the Multiple Species Conservation Program (MSCP) Subarea Plan.

The recommended action will approve an agreement between the County of San Diego and the Back Country Land Trust to disburse funds to the Trust, for acquisition of a portion of Wright's Field (Phase I). Property acquired with this funding will be owned, operated and maintained by the Trust pursuant to the provisions of the agreement. In addition, this action will approve a Resolution authorizing the submission of a grant application, in partnership with the Trust, under the 1999 cycle of the EEMP grant program for Wright's Field Acquisition, Phase II.

FISCAL IMPACT:

Funds for this request are budgeted in the Capital Outlay Fund and will be transferred to the Parks and Recreation Department budget by this action. The funding source is County General Funds. If approved, this request will result in \$175,000 current year cost, \$0 annual cost, and will require the addition of no staff years. There will be no additional cost to the General Fund resulting from this action.

RECOMMENDATION:**CHIEF ADMINISTRATIVE OFFICER:**

1. Find that the transfer of funds to the Back Country Land Trust for the purchase of land is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15325 of the CEQA Guidelines because it relates to the transfer of ownership of interest in land in order to preserve open space, habitat, or historical resources.
2. Find that approval of the Resolution authorizing submittal of a joint grant application for funding for land acquisition is categorically exempt from CEQA in accordance with Section 15325 of the CEQA Guidelines because it relates to the transfer of ownership of interest in land in order to preserve open space, habitat, or historical resources.
3. Waive Board Policy A-91, Mid-Year Budget Changes, to allow for the establishment of additional General Fund appropriations being transferred from the Capital Outlay Fund to the Parks and Recreation Department budget.
4. Cancel appropriations and related General Fund revenue in the amount of \$175,000 in Capital Project KA9500, MSCP Acquisition.
5. Approve and authorize the transfer of appropriations in the amount of \$175,000 from the General Fund, Org. 5361, Account 6310 to the Parks and Recreation Department budget, Org. 5113, Account 3453.
6. Approve and authorize the Clerk of the Board of Supervisors to execute the Agreement between the County of San Diego and the Back Country Land Trust which provides the mechanism to transfer General Funds in the amount of \$175,000 for the acquisition of land in Alpine.
7. Approve and authorize the Clerk of the Board of Supervisors to execute the Agreement Declaring Restrictive Covenants Restricting Use of Property as Open Space when requested by the Director of the Department of Parks and Recreation for inclusion in the escrow documents.
8. Authorize the Director, Department of Parks and Recreation, to administer the Agreements.
9. Adopt the Resolution of the San Diego County Board of Supervisors Approving the Joint Application for Grant Funds from the Environmental Enhancement and Mitigation Program Under Section 164.56 of the Streets and Highways Code for Wright's Field Acquisition, Phase II.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 99-332, RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING THE JOINT APPLICATION FOR GRANT FUNDS FROM THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM UNDER SECTION 164.56 OF THE STREETS AND HIGHWAYS CODE FOR WRIGHT'S FIELD ACQUISITION, PHASE II.

AYES: Cox, Jacob, Slater, Horn

ABSENT: Roberts

8. **SUBJECT: Approval of a Joint Community Facilities Agreement for Public Improvements within County of San Diego Specific Plan, SP 95-001, Located in San Dieguito Planning Group Area**
(Supv. Dist: 3)

OVERVIEW:

This is a request to approve a Joint Community Facilities Agreement for public improvements within the Santa Fe Valley Specific Plan Area 95-001. It is located in the Santa Fe Valley area, east of Rancho Santa Fe. (Thomas Guide, Page 1169, B2, 1999 Edition)

FISCAL IMPACT:

This request will have no fiscal impact.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

Approve the Joint Community Facilities Agreement, as proposed by the Rancho Santa Fe Community Services District and the developers in the Santa Fe Valley, and authorize execution by the Clerk of the Board.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Horn

ABSENT: Roberts

9. **SUBJECT: Administrative Item:**
Continued Noticed Public Hearing:
Second Consideration and Adoption of Ordinances
Amend Schedule of Rates and Charges for County of San Diego Airports
to Adjust Public Interest (Fire Fighting) Landing Fees at Ramona
Airport
(Supv. Dist: All)

OVERVIEW:

On October 27, 1999 (4), your board introduced Ordinances for further Board consideration on November 10, 1999.

The California Department of Forestry and Fire Protection (CDF) operates an air-attack base at the Ramona Airport for fighting fires in the region. On February 2, 1999, the Board approved a new lease with CDF for an 8.4-acre parcel at Ramona Airport. Under the new lease, CDF agreed to pay a market lease rate of \$20,462 annually under the condition that their landing fees, paid from a State Emergency Fund for fire fighting, be credited toward the annual rent payment. The CDF has requested an increase in their landing fee from the current rate of \$.50 to \$.65 per one thousand pounds of takeoff weight, to be implemented retroactively to July 1, 1999. This is a budgetary consideration for CDF that will enable them to use the State Emergency Fund to pay the base rent to the greatest extent possible. By using this fund, CDF can lessen the impact on its operating budget, while providing a guaranteed base annual rent to the County. If a particular fire season is very busy, there is a possibility that the total landing fees could amount to more than the base rent. In such a case, any landing fees paid above the base annual rent will be treated as additional rent to the County.

This is a request to amend the section of the Use and Control Policy for County of San Diego Airports that defines Public Interest Landing Fees. The section deals with landing fees for the Federal and State Forestry Services only, and does not affect any other landing fees, such as those for private aircraft. The proposed amendment will change the landing fee requirements for the Federal and State Forestry Services from \$.50 per one thousand pounds of takeoff weight to a range of from \$.50 to \$.85 per one thousand pounds of takeoff weight. County staff is requesting that the proposed amendment reflect this range to allow flexibility to meet the future budgetary needs of CDF

FISCAL IMPACT:

If approved, establishment of the recommended amendment to the landing fees schedule will result in no current year costs, no change in program revenues, and the addition of no staff years, because the minimum annual rent due per the approved lease remains the same.

If the fire activity level is extremely high in any one fiscal year, this may result in additional rent to the County. However, as it would be very difficult to project the level of activity, the revenues for future fiscal years remain the same as presented in the previous Board letter of February 2, 1999, when the lease was approved.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

Adopt Ordinance entitled:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 9096 (N.S.), entitled: AN ORDINANCE TO AMEND PART V. SECTION 2. OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS.

AYES: Cox, Jacob, Slater, Horn

ABSENT: Roberts

10. **SUBJECT: Closed Session**
(Supv. Dist: All)

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Louis Schneider v. County of San Diego, et al.; United States District Court No. 90-1738-H
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Rural Heritage, et al. v. County of San Diego, et al.; San Diego Superior Court No. 726395
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Jerry Mailhot v. Service America Corporation, et al.; San Diego Superior Court No. 728979
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Kenneth Davidson v. County of San Diego, et al.; San Diego Superior Court No. 667421
- E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Priscilla Mangat v. County of San Diego, et al.; San Diego Superior Court No. 728731
- F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Lorenzo Flores v. County of San Diego, et al.; Los Angeles Superior Court, Central District Branch, Case No. BC186062

G. **CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION**

Anticipated litigation pursuant to section (b) of Government Code section 54956.9

No. of Potential Cases: 1

ACTION:

County Counsel reported the following on Item D, the Board of Supervisors has directed County Counsel to refrain from petitioning for review to the California Supreme Court of the decision of the Court of Appeal.

11. **SUBJECT: Public Communication**

John M. Hood, III, Arthur Stephens and Dr. Larry Woodburn addressed the Board on confiscation of obsolete weapons and possible opening of weaponry museum in San Diego County.

ACTION:

Heard; referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:45 a.m.

THOMAS J. PASTUSZKA

Clerk of the Board of Supervisors
County of San Diego, State of California

Notes by: Andoh

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NOTE: This Statement of Proceedings sets forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.